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Attorney General Goddard announces Bristol Myers Squibb Settlement

(Phoenix, Ariz.- June 2, 2004) Attorney General Terry Goddard today announced the settlement with Bristol-Myers Squibb for unlawfully maintaining a monopoly on Taxol®, an anticancer prescription drug resulting in Arizona consumers paying higher costs for this lifesaving drug.

This settlement includes returning \$103,272 to 166 Arizona consumers who submitted claims for purchases of Taxol®, and \$138,677 to the Department of Health Services to be used for breast cancer screenings.

"This settlement will help bring additional breast cancer screenings to Arizona residents that could not otherwise afford this test," said Catherine Eden, Department of Health Services Director. "Early detection is vital in combating breast cancer."

Taxol®, or its generic equivalent paclitaxel, is an intravenous chemotherapy drug commonly used to treat breast cancer and ovarian cancer. The settlement was the result of a multi-state antitrust case involving Arizona and the other 49 states, the District of Columbia and U.S. territories on behalf of a class of individual consumers who paid for Taxol®. The lawsuit asserted that, because of invalid patents claimed by Bristol-Myers Squibb Company for its anticancer drug Taxol®, lower cost generic substitutes were delayed in arriving on the market resulting in higher prices to those who paid for the drug. The U.S. District Court of the District of Columbia approved the settlement in November 2003.

"Overcharging for an anticancer drug like Taxol is outrageous," Goddard said. "This settlement proves that we must remain vigilant with the prescription drug companies to ensure consumers are getting the best medicine at reasonable costs." Goddard said.

The settlement includes individuals who paid all or part of the cost for treatments with Taxol® or paclitaxel from January 1, 1999 through February 28, 2003, and who submitted valid claims during the court-established claims period ending February 29, 2004. The checks were mailed out beginning June 1 along with a letter from Attorney General Goddard explaining the payment.

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